

**AMENDMENTS TO THE CLAIMS**

*Please amend the claims as follows:*

1. A moving image recording apparatus for recording moving image data on a recording medium, said moving image recording apparatus comprising:

    a judgment device for judging whether a record format of said recording medium is suitable for recording said moving image data;

    a recording medium controller for controlling operation of said recording medium, said recording medium controller reformatting said recording medium with a high-speed record format suitable for the record of said moving image data when said judgment device judges that said record format is unsuitable for recording said moving image data.

2. A moving image recording apparatus as recited in claim 1, wherein said recording medium controller detects the presence or absence of existing data in said recording medium when said record format is unsuitable for recording said moving image data.

3. A moving image recording apparatus as recited in claim 2, further comprising:  
    an internal memory for temporarily storing said existing data; and  
    an internal memory controller for recording said existing data recorded on said recording medium onto said internal memory when said record format is unsuitable for recording said moving image data.

4. A moving image recording apparatus as recited in claim 3, wherein said recording medium controller records said existing data recorded on said internal memory onto said reformatted recording medium.

5. A method for recording moving image data on a recording medium, said method comprising the steps of:

    (a) detecting a record format of said recording medium;

(b) judging whether said record format of said recording medium is suitable for recording said moving image data; and

(c) reformatting said recording medium with a high-speed record format suitable for recording said moving image data when said record format is judged to be unsuitable for recording said moving image data.

6. A method as recited in claim 5, further comprising the steps of:

(d) detecting the presence or absence of existing data recorded on said recording medium, when said record format is judged to be unsuitable for recording said moving image data;

(e) temporarily evacuating said existing data to an internal memory when said existing data is in said recording medium; and

(f) reconstructing said existing data evacuated to said internal memory in said reformatted recording medium.

7. An information processing device for recording moving image data on a recording medium, said information processor comprising:

a judgment device for judging whether a record format of said recording medium is suitable for recording said moving image data;

a recording medium controller for controlling operation of said recording medium, said recording medium controller reformatting said recording medium with a high-speed record format suitable for recording said moving image data when said judgment device judges that said record format is unsuitable for recording said moving image data.

8. An information processing device as recited in claim 7, wherein said recording medium controller detects the presence or absence of existing data in said recording medium when said record format is unsuitable for recording said moving image data.

9. An information processing device as recited in claim 8, further comprising:

an internal memory for temporarily storing said existing data; and

an internal memory controller for recording said existing data recorded on said recording medium onto said internal memory when said record format is unsuitable for recording said moving image data.

10. An information processing device as recited in claim 9, wherein said recording medium controller records said existing data recorded on said internal memory onto said reformatted recording medium.

11. (NEW) The moving image recording apparatus as recited in claim 1, wherein suitability of said recording medium is determined based on the cluster size of the recording medium.

12. (NEW) The moving image recording apparatus as recited in claim 11, wherein a high-speed record format corresponds to a record format with a cluster size large enough to enable the recording medium to record the moving image data at a speed fast enough such that photography of the moving image data can be performed substantially continuously.

13. (NEW) The moving image recording apparatus as recited in claim 11, wherein an unsuitable record format for recording said moving image data corresponds to a record format with a cluster size which is insufficient to enable the recording medium to record the moving image data at a speed fast enough such that photography of the moving image data can be performed substantially continuously.

14. (NEW) The moving image recording apparatus as recited in claim 1, wherein said judgment device judges the suitability of the record format of said recording medium before photography or during photography of the moving image data.

15. (NEW) The moving image recording apparatus as recited in claim 14, wherein said judgment device judges the suitability of the record format of said recording medium upon a depression of a shutter button initiating photography of the moving image data.

16. (NEW) The moving image recording apparatus as recited in claim 14, wherein said judgment device judges the suitability of the record format of said recording medium upon a switching of the moving image recording apparatus to a moving image photography mode.

17. (NEW) The method for recording moving image data as recited in claim 5, wherein the judging step further comprises determining the suitability of the recording medium based on the cluster size of the recording medium.

18. (NEW) The method for recording moving image data as recited in claim 17, wherein a high-speed record format corresponds to a record format with a cluster size large enough to enable the recording medium to record the moving image data at a speed fast enough such that photography of the moving image data can be performed substantially continuously.

19. (NEW) The method for recording moving image data as recited in claim 17, wherein an unsuitable record format for recording said moving image data corresponds to a record format with a cluster size which is insufficient to enable the recording medium to record the moving image data at a speed fast enough such that photography of the moving image data can be performed substantially continuously.

20. (NEW) The method for recording moving image data as recited in claim 5, wherein said judging step is performed before photography or during photography of the moving image data.

21. (NEW) The method for recording moving image data as recited in claim 20, wherein said judging step is performed upon a depression of a shutter button initiating photography of the moving image data.

22. (NEW) The method for recording moving image data as recited in claim 20, wherein said judging step is performed upon a switching of the moving image recording apparatus to a moving image photography mode.

23. (NEW) The information processing device as recited in claim 7, wherein suitability of said recording medium is determined based on the cluster size of the recording medium.

24. (NEW) The information processing device as recited in claim 23, wherein a high-speed record format corresponds to a record format with a cluster size large enough to enable the recording medium to record the moving image data at a speed fast enough such that photography of the moving image data can be performed substantially continuously.

25. (NEW) The information processing device as recited in claim 23, wherein an unsuitable record format for recording said moving image data corresponds to a record format with a cluster size which is insufficient to enable the recording medium to record the moving image data at a speed fast enough such that photography of the moving image data can be performed substantially continuously.

26. (NEW) The information processing device as recited in claim 7, wherein said judgment device judges the suitability of the record format of said recording medium before photography or during photography of the moving image data.

27. (NEW) The information processing device as recited in claim 26, wherein said judgment device judges the suitability of the record format of said recording medium upon a depression of a shutter button initiating photography of the moving image data.

28. (NEW) The information processing device as recited in claim 26, wherein said judgment device judges the suitability of the record format of said recording medium upon a switching of the moving image recording apparatus to a moving image photography mode.